United Nations S/2009/148

Security Council

Distr.: General
18 March 2009

Original: English

Letter dated 16 March 2009 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith resolution 7069 adopted by the extraordinary session of the Council of the League of Arab States, held at the ministerial level in Cairo on 4 March 2009, regarding the decision of Pre-Trial Chamber I of the International Criminal Court against the President of the Republic of the Sudan, Omer Hassan Ahmad Al-Bashir (see annex).

I should be grateful if, pursuant to Article 54 of the Charter of the United Nations, you would arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Yahya **Mahmassani**
Ambassador

09-27155 (E) 180309 190309

Annex to the letter dated 16 March 2009 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Decision of the Pre-Trial Chamber of the International Criminal Court regarding His Excellency President Omer Hassan A. Al-Bashir of the Republic of the Sudan

The Council of the League of Arab States, meeting at the ministerial level in extraordinary session on 4 March 2009,

Having heard the presentation made by the head of the delegation of the Republic of the Sudan and the statements of the other heads of delegation on the issue,

Reaffirming its previous resolutions on the matter,

Decides

1. To express its profound concern regarding the issuance by the Pre-Trial Chamber of the International Criminal Court of a warrant of arrest for Mr. Omer Hassan A. Al-Bashir, President of the Republic of the Sudan;

2. To affirm its solidarity with the Republic of the Sudan in confronting any designs against its sovereignty, unity and stability; its belief in the competence and independence of the judiciary of the Sudan, inasmuch as it was entrusted with the original responsibility for achieving justice; and its rejection of any attempt to politicize the principles of international justice and use them to diminish the sovereignty, unity and stability of States;

3. To express its profound regret at the inability of the Security Council to invoke article 16 of the Rome Statute of the International Criminal Court in order to defer the actions that have been taken by the Court;

4. To affirm the immunity enjoyed by Heads of State pursuant to the 1961 Vienna Convention on Diplomatic Relations;

5. To affirm that the issuance of the warrant pre-empts all African and Arab efforts to defuse this crisis, disregards the requirements for justice and the attainment of stability and peace in the Sudan, as well as the considerations involved in resolving the situation in Darfur, in particular the implementation of the peace agreement in southern Sudan and preparations for general elections in the second half of 2009, and poses an enormous challenge to efforts aimed at achieving peace and implementing the peace agreement in the south;

6. To request the Security Council to assume its responsibility for maintaining civil peace and stability in the Sudan, in view of the assiduous efforts being made by the Government of National Unity to achieve peace throughout the country, and to call upon the Permanent Members of the Security Council to reach a unified position in order to safeguard peace and stability in the Sudan and provide an opportunity to make progress towards a political settlement of the crisis in Darfur;

7. To request all parties in the Sudan not to allow efforts aimed at achieving a political settlement of the crisis in Darfur to be undermined, nor to allow the creation of a climate of instability in the country that would threaten the prospects for achieving peace in Darfur or the south, or any efforts detrimental to the security situation on the ground;

8. To call upon regional and international parties to participate by offering appropriate assistance to and creating a suitable climate for the political process that aims to reach a settlement between the Sudanese Government and the armed movements in Darfur, and to avoid taking any action that would impede progress towards comprehensive civil peace in the Sudan;

9. To continue joint efforts between the League of Arab States and the African Union, in cooperation with the Organization of the Islamic Conference and the Non-Aligned Movement, to consider the consequences of the issuance of this warrant with the Security Council, including the dispatch of a joint high-level Arab-African delegation to the Council in order to defer the action taken by the Court;

10. To remain in session in order to follow developments in the situation and prepare for the presentation of the matter to the forthcoming Arab Summit Conference in Doha.